THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2115 of 2006

DATED:3.2.2006

Between:

N. Madanna

…Petitioner

And

The Joint Collector (CS)

Kurnool District, Kurnool

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2115 OF 2006

ORDER:

The petitioner is fair price shop dealer of T.Somalagudur Village in Kurnool District. It appears, the second respondent, who is competent authority to appoint fair price shop dealer issued a show cause notice on 30.11.2004 calling upon the petitioner to submit explanation on certain allegations and informing that necessary action would be taken for suspension of the authorization. The petitioner submitted explanation. The second respondent by proceedings in Rc.No.M/1422/2005, dt.6.1.2006 cancelled the authorization of the petitioner. Aggrieved by the same, the petitioner preferred a revision before the Joint Collector, Kurnool, first respondent herein, and also prayed for stay of the proceedings of the Revenue Divisional Officer, in vain. Therefore, present Writ Petition is filed placing reliance on the judgment of Division

Bench of this Court in **S.Malla Reddy v. M.Vijayalakshmi** wherein it was laid down that when a show cause notice was issued for suspension, the authorization of fair price shop dealer cannot be cancelled.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies, this Court is of considered opinion now that the petitioner has availed effective alternative remedy of filing appeal under Clause 20 of the A.P.State Public Distribution System Control Order, 2001, it is not proper to entertain the Writ Petition. As the petitioner has already filed appeal in first week of January 2006, the Joint Collector may dispose of the appeal expeditiously after getting necessary records from the office of second respondent.

The Writ Petition is accordingly disposed of directing the first respondent to dispose of the appeal filed by the petitioner against the proceedings of second respondent in Rc.No.M/1422/2005, dt.6.1.2006, within a period of one week from the date of receipt of a copy of this order. It shall also be open to the petitioner to obtain appropriate interim orders from the Joint Collector.

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(V.V.S.RAO, J)

3.2.2006

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Note:Issue CC tomorrow – 4.2.2006.

(B.O)

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